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BELLSOUTH

EX PARTE OR LATE FILED

W. W. (Whit) Jordan
Vice President-Federal Regulatory

December 23, 1997

Suite 900
1133-21st Street, N.W.
Washington, D.C. 20036-3351
202 463-4114
Fax: 202 463-4198
Internet: jordan.whit@bsc.bls.com

EXPARTE

Mr. Robert W. Spangler, Acting Chief
Enforcement Division, Common Carrier Bureau
Federal Communications Commission
2025 M Street, NW
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Lawrence Strickling, Chief
Competition Division, Office of the General Counsel
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

RE: CC Docket No. 94-129 and CCB/POL 97-9

Gentlemen:

On December 11, 1997, LCI wrote to you requesting that you take notice of a formal complaint filed against BellSouth in Georgia. In its complaint, LCI alleges that BellSouth's control over presubscription practices is limiting the ability of carriers, like LCI, to compete for new customers. Attached is BellSouth's December 19, 1997 Answer to LCI's Georgia complaint. In its Answer, BellSouth denies that its actions were "unlawful and coercive" as alleged by LCI.

LCI's allegations that BellSouth is impeding competition are unsupported and simply not true. BellSouth has opened its network to allow for competition. Its Operations Support Systems (OSS) are available to competitive LECs for pre-ordering and ordering which include the control of primary carrier (PC) changes. Additionally, the Customer Account Record Exchange (CARE) system has been in place for years and permits interexchange carriers (ICs), like LCI, to submit PC changes to a LEC on an electronic basis. BellSouth processes, implements, and then notifies the IC in several outbound batches each day of its implementation of PC change. This process requires no more than 24 hours from BellSouth's receipt to notification of the IC.

LCI references its comments in CC Docket No. 94-129 that support a third-party clearinghouse model to execute PC changes rather than the current model where changes are executed in the LEC systems that have the records of the customer. In its comments in the same docket, BellSouth states that "...such a proposal is unnecessary, impractical,

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too costly, and would create unnecessary duplication. The LEC's switch would, in any event, have to be updated and this would necessarily involve the local exchange service provider...". Additionally, the opening of LEC OSSs will permit changes to be entered directly into the system by the competitive LEC controlling the end user's record which should provide the neutrality being desired.

If you have any questions, please contact me.

Sincerely,



W. W. Jordan
Vice President – Federal Regulatory

Attachment

cc: Ms. Magalie Roman Salas, Secretary
Mr. Kurt Schroeder, Enforcement Division, Common Carrier Bureau
Mr. Johnson Garrett, Local Competition Task Force

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
GEORGIA PUBLIC SERVICE COMMISSION

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re:

Investigation Into Implementation of
IntraLATA Presubscription

DOCKET NO. 5319-U

ANSWER OF BELL SOUTH TELECOMMUNICATIONS, INC.

BellSouth Telecommunications, Inc. ("BellSouth") respectfully files its Answer to the Complaint of LCI International Telecom Corp. ("LCI"). BellSouth responds to the specific allegations set forth in the Complaint as follows:

I. THE PARTIES

1. BellSouth is without sufficient knowledge or belief as to the allegations set forth in Paragraph 1 of the Complaint and can therefore neither admit nor deny the same.

2. BellSouth admits the allegations set forth in Paragraph 2 of the Complaint.

II. PROCEDURAL HISTORY

3. BellSouth admits that MCI Telecommunications Corporation filed a petition with the Commission on March 8, 1991. BellSouth further admits that the Commission approved a stipulation regarding the petition on March 20, 1992. BellSouth asserts that the terms of the petition and the stipulation speak for themselves.

4. BellSouth admits that AT&T Communications of the Southern States, Inc. ("AT&T") filed a petition with the Commission on June 27, 1994. BellSouth asserts that the terms of the petition speak for themselves.

5. BellSouth admits the allegations set forth in Paragraph 5 of the Complaint.
6. BellSouth admits the allegations set forth in Paragraph 6 of the Complaint.
7. BellSouth admits that MCI, AT&T and WorldCom, Inc. d/b/a LDDS WorldCom filed a Joint Complaint against BellSouth on December 23, 1996. BellSouth asserts that the terms of the Joint Complaint speak for themselves. BellSouth further admits that the Commission, after a full evidentiary hearing and consideration of the issues, entered an Order on Joint Complaint ("Order") on May 14, 1997, and asserts that the terms of the Order on Joint Complaint speaks for themselves. BellSouth denies that it has failed to comply with the provisions of the Order on Joint Complaint.

III. JURISDICTION OF THE COMMISSION

8. BellSouth admits that the Commission has jurisdiction over certain complaints under the statutory provisions cited in Paragraph 8 of the Complaint, but denies that LCI has stated a claim under those provisions cited. BellSouth asserts that the terms of the statutory provisions speak for themselves.

9. BellSouth admits that the Commission has jurisdiction over certain issues under the Orders in Docket No. 5319-U, but denies that LCI has stated a claim under the Orders cited. BellSouth asserts that the terms of the Orders speak for themselves.

IV. SPECIFIC ALLEGATIONS OF BELL SOUTH'S ANTICOMPETITIVE CONDUCT

10. BellSouth denies the allegations set forth in Paragraph 10 of the Complaint and affirmatively asserts that BellSouth did not "reject" customers' requests to change carriers.

11. BellSouth denies the allegations set forth in the first sentence of Paragraph 11 of the Complaint. BellSouth asserts that the terms of the Joint Complaint filed by MCI, AT&T and LDDS speak for themselves.

12. BellSouth asserts that the terms of the Order speak for themselves.

13. BellSouth is without sufficient knowledge or belief to admit or deny the allegations set forth in Paragraph 13 of the Complaint and can therefore neither admit nor deny the same. BellSouth admits that prior to December 9, 1997, BellSouth used a recording with the same text as that set forth in Paragraph 13 of the Complaint on a number typically used by a small segment of BellSouth business customers. However, BellSouth asserts that on December 9, 1997, BellSouth changed the text of its message to delete any reference to carrier changes. The text of the new message is as follows:

[t]hank you for calling BellSouth Business Systems. If you are calling for repairs, press one; if you are calling about your home telephone, press two; and if you are calling about your business service, press three.

14. BellSouth is without sufficient knowledge or belief to admit or deny the allegations set forth in Paragraph 14 of the Complaint and can therefore neither admit nor deny the same. BellSouth admits that prior to December 9, 1997, BellSouth used a recording with the same text as that set forth in Paragraph 13 of the Complaint.

15. BellSouth denies the allegations set forth in Paragraph 15 of the Complaint.

V. STATUTES AND ORDERS VIOLATED

16. BellSouth denies the allegations set forth in Paragraph 16 of the Complaint.

17. BellSouth denies the allegations set forth in Paragraph 17 of the Complaint.

18. BellSouth denies the allegations set forth in Paragraph 18 of the Complaint.

VI. REQUESTED RELIEF

19. BellSouth denies that its actions in connection with the implementation of intraLATA competition are "unlawful and coercive". BellSouth asserts that it has changed the message referenced in Paragraph 13 of the Complaint, and further asserts that the BellSouth customer service representatives will continue to comply with the Order and the on-line transfer service as set forth in BellSouth's tariff. To the extent that LCI seeks to relitigate issues raised by the Joint Complaint and decided by the Commission in its May 14, 1997 Order, BellSouth submits that such claims should be dismissed.

20. To the extent that the Complaint seeks a change in the recorded message, the claim is moot because BellSouth changed the message on December 9, 1997. The remainder of the relief requested in Paragraph 20 of the Complaint was considered by the Commission in Docket 5319-U and the May 14, 1997 Order and it is not appropriate to relitigate these same issues again in this proceeding. BellSouth is

without sufficient knowledge or belief to admit or deny the allegations set forth in Paragraph 20 of the Complaint and can therefore neither admit nor deny the same.

21. The allegations set forth in Paragraph 21 of the Complaint are the same issues raised in the Joint Complaint by MCI, AT&T and WorldCom. The Commission conducted a hearing into these issues, and set forth its position on these issues in the Order LCI contends is the basis of its Complaint. BellSouth's position on these allegations is the same as the position it set forth in that hearing. BellSouth denies that LCI is entitled to the relief sought in Paragraph 21 of the Complaint.

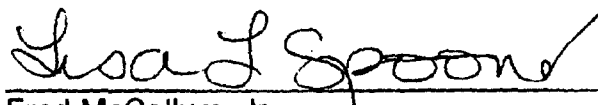
22. Any allegations in the Complaint that BellSouth has not admitted are hereby denied.

WHEREFORE, having fully answered, BellSouth respectfully requests that the Commission enter an order in favor of BellSouth and dismissing the Complaint of LCI International Telecom Corp.

This 19th day of December, 1997.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



Fred McCallum, Jr.

Lisa L. Spooner

125 Perimeter Center West
Room 376
Atlanta, GA 30346
(770) 391-2416

William J. Ellenberg II
Bennett L. Ross
675 West Peachtree Street, N.E., Suite 4300
Atlanta, GA 30375-0001

CERTIFICATE OF SERVICE

Docket No. 5319-U

This is to certify that I have this day served a copy of the within and foregoing, Answer of BellSouth Telecommunications, Inc, upon all known parties of record, by depositing a copy of same in the United States Mail, with adequate postage affixed thereon, properly addressed as follows:

Ms. Stacey Ferris-Smith
Assistant Attorney General
40 Capital Square
Suite 132
Atlanta, GA 30334

Mr. Jim Hurt
Consumers' Utility Counsel
Office of Consumer Affairs
2 Martin Luther King Drive
East Tower, Suite 356
Atlanta, GA 30334

Mr. David Adelman
Mr. C. Christopher Hagy
Sutherland, Asbill & Brennan, L.L.P.
999 Peachtree Street, N.E.
Atlanta, GA 30309

Ms. Marsha A. Ward
MCI Telecommunications Corporation
780 Johnson Ferry Road
Suite 700
Atlanta, GA 30342

Mr. James Lamoureux
AT&T Communications of the Southern States, Inc.
1200 Peachtree Street, N.E.
Room 4060
Atlanta, GA 30309

Mr. Brian Sulmonetti
Director, Regulatory Affairs
LDDS Worldcom
1515 South Federal Highway, Suite 400
Boca Raton, FL 33432

Mr. E. Freeman Leverett
Heard, Leverett, Phelps,
Weaver & Campbell
P. O. Drawer 399
Elberton, GA 30635

Mr. John Silk
Georgia Telephone Association
1900 Century Boulevard
Suite 8
Atlanta, GA 30345

Ms. Carolyn Roddy Tatum
Sprint Communications Company
3100 Cumberland Circle
Atlanta, Georgia 30339

Mr. Jack H. Watson, Jr.
Mr. John W. Ray, Jr.
Long, Aldridge & Norman
One Peachtree Center, Suite 5300
303 Peachtree Street, N.E.
Atlanta, GA 30308

Mr. R. Gregory Brophy
Alston & Bird
One Atlantic Center
1201 W. Peachtree Street
Atlanta, GA 30309-3424

Mr. Newton M. Galloway
Hendrix & Smith
P. O. Box 632
Zebulon, GA 30295

Mr. John Graham
Manager, Regulatory Affairs
ALLTEL Georgia, Inc.
906 Vista Drive
Dalton, GA 30721

Mr. Peyton S. Hawes
229 Peachtree Street, N.E.
Suite 2400
Atlanta, GA 30303-1629

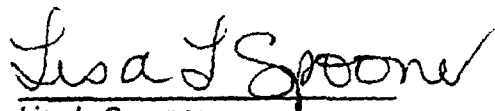
Mr. Andrew O. Isar
World Telecom Group, Inc.
P. O. Box 2461
Gig Harbor, WA 98335

Mr. David Summers
INTEX
5901-A Peachtree Dunwoody Road
Suite 500
Atlanta, GA 30328

Mr. Walt Sapronov
Mr. Charles A. Hudak
Gerry, Friend & Sapronov
Three Ravinia Dr., Suite 1450
Atlanta, GA 30346-2131

Mr. Gordon D. Giffin
Ms. Laura F. Nix
Mr. James D. Comerford
Long, Aldridge & Norman
One Peachtree Center, Suite 5300
303 Peachtree Street
Atlanta, GA 30308

This 19th day of December, 1997.



Lisa L. Spooner